IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3252 OF 2004

1. The Union Education Society, Solapur
and ors. .. Petitioners

Vs

1. Shri Mohammad Isak Mohammad Husain
Jamdar and ors. .. Respondents

Mr Vineet Naik, for the petitioners.

Mr P.M.Pradhan with Mr S.Sakhare, for respondent no.1.

Mr Nitin Jamdar for respodnent no.4.

A.G.P. for respondent no.3.

CORAM : D.B.BHOSALE,J.

DATE : 29th September, 2004.

PC:

1. The petitioners have impugned the judgment and order dated 20.2.2004 passed by the learned Addl.District Judge, Solapur, in Civil Misc. Appeal No.122 of 2003, by which the appeal filed by the respondent-employee has been allowed and the petitioners-institution has been restrained from conducting an enquiry against the respondent pending hearing and final disposal of the change report or the suit whichever is earlier.

2. Mr Naik, learned counsel for the petitioners,

submits that the petitioners be allowed to proceed with the inquiry against the respondent since the employee has absolutely nothing to do with the disputes interse between the members of the Managing Committee. On the other hand, Mr.Pradhan, learned counsel for the respondent no.1, submits that the petition be not entertained since the trial is likely to get over within 2-3 months provided the petitioners cooperate an early disposal. He further submits that the respondent proposes to examine only two witnesses in the suit and the one witness has already been examined.

3. I have perused the orders impugned in the instant writ petition and the other material placed before me. After having heard the learned counsel for the parties and considered the material placed before me, I am satisfied that the following order would meet the ends of justice.

(i) As far as possible the trial Court shall endeavour to complete the hearing of R.C.suit No.963 of 2002 within a period of three months and in any case within six months from the date of receipt of this order. If for any reason, the trial does not get over within three months as aforestated, it is open for the petitioners to proceed with the enquiry against the respondent-employee

and complete the same within three months therefrom. However, the decision of the enquiry,if adverse to the respondent-employee shall not be given effect to till disposal of the suit. Parties are directed to cooperate disposal of the suit and the enquiry within the timeframe.

4. With these directions, the writ petition is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)